DOCUMENT RESUME

ED 420 005 CG 028 477

AUTHOR	Schweigert, Francis J.
TITLE	Moral Learning in the Space between Places: The Potential of Community-Based Moral Education.
PUB DATE	1998-04-13
NOTE	21p.; Paper presented at the Annual Meeting of the American Educational Research Association (San Diego, CA, April 13-17, 1998).
PUB TYPE	Reports - Evaluative (142) -- Speeches/Meeting Papers (150)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Behavior Standards; Community Involvement; Crime; Criminals; *Delinquency; *Family Involvement; Juvenile Justice; *Moral Development; Public Policy; Social Behavior; *Social Environment; *Victims of Crime
IDENTIFIERS	*Mediation; Restitution; Restitution Programs; Victim Compensation

ABSTRACT

This paper presents the results of a heuristic and interpretive study of a public policy experiment in the criminal justice system, victim offender mediation conferencing. Conferences typically include the victim, the offender, their supporters and family members, and one or more conference facilitators. Participants report high levels of satisfaction with the process and outcomes with changes in attitudes, behavior, and social belonging. Preliminary conclusions are presented regarding characteristics of effective community-based moral education. Seven important characteristics typify victim offender conferences as a social space in which moral learning is enhanced: role effectiveness, situated learning, safety to openly address conflict, recurring free space for citizen empowerment, affective attachment to personal networks and social institutions, cognitive awareness and articulation of moral norms, and structured performance of moral norms. The key to their effectiveness appears to be the locus of moral learning: in the "space between places." Victim offender conferences occur in an overlapping social context located between a small, local, personal community and some larger societal body or its representative, evoking the authority of both communal and universal moral norms. (Author/EMK)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 420 005

Moral Learning in the Space between Places:

The Potential of Community-Based Moral Education

Francis J. Schweigert, Ph.D.
Social and Philosophical Foundations of Education
Department of Educational Policy and Administration
University of Minnesota
1294 Van Buren Avenue
St. Paul, Minnesota 55104
United States of America

(612) 645-4953
~~schw0121@gold.tc.umn.edu~~

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

13 April 1998
~~14 January 1998~~
AERA
San Diego

PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

F. Schweigert

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

CG028477

Abstract

This paper presents the results of a heuristic study of a public policy experiment in the criminal justice system, victim offender mediation conferencing. These conferences typically include the victim, the offender, their supporters and family members, and one or more conference facilitators. Participants report high levels of satisfaction with the process and outcomes, with frequent references to significant changes in attitudes, behavior, and social belonging. Based on accounts of the experience of moral learning in victim offender mediation conferences, I present preliminary conclusions regarding characteristics of effective community-based moral education. Seven important characteristics typify victim offender conferences as a social space in which moral learning is enhanced: role effectiveness, situated learning, safety to openly address conflict, recurring free space for citizen empowerment, affective attachment to personal networks and social institutions, cognitive awareness and articulation of moral norms, and structured performance of moral norms. The key to their effectiveness appears to be the locus of moral learning: in the "space between places." Victim offender conferences occur in an overlapping social context located between a small, local, personal community and some larger societal body or its representative, evoking the authority of both communal and universal moral norms.

Introduction

Urie Bronfenbrenner (1979) encourages schools to undertake developmental research that involves students in public policy experiments, especially programs that constitute "a transforming experiment... [which] calls into question and alters in some substantial way a prevailing pattern in the American macrosystem" (p. 54). Victim offender conferencing based on the values of restorative justice is an example of this kind transforming experiment. Families, neighbors, extended kin, school and church officials, and representatives of the criminal justice system are brought into a setting and roles that rearrange their usual patterns of interaction. Practitioners report that changes occur in the persons involved and their future interactions--changes that may be lasting if properly reinforced, changes that challenge fundamental assumptions in American culture regarding conflict, community, punishment, and public responsibility.

From the perspective of research on moral education, victim offender conferences are also an ecological experiment, changing something in the "existing accommodation between the person and the milieu" and therefore providing an opportunity to observe how moral learning is affected.

> If you wish to understand the relation between the developing person and some aspect of his environment, try to budge the one, and see what happens to the other. Implicit in this injunction is the recognition that the relation between person and environment has the properties of a system with a momentum of its own; the only way to discover the nature of this inertia is to try to disturb the existing equilibrium.
>
> It is from this perspective that the primary purpose of the ecological experiment becomes not hypothesis testing but <u>discovery</u>--the identification of those systems properties and processes that affect and are affected by the behavior and development of the human being. (pp. 37-38, emphasis in original)

This study was thus conducted for <u>heuristic purposes</u>--to discover what relationships and interactions among individuals, communities, and societal institutions stand out as important in moral learning when the usual pattern of association is altered.

Methodology

This study is interpretive as well as heuristic. The aim is to understand the victim offender conferencing process as presented by people responsible for developing these programs. Their stated assumptions and goals, their presentation of the practices they implement and advocate, their record of results, and their interpretations of the restorative ideal serve as the data for this study. Information was gathered through review of periodical literature, interviews with practitioners at four sites in the State of Minnesota, and analysis of documents produced at these four sites in the development and publicizing of the conferencing programs. I made no attempt to gather, report, or verify survey data or statistical analysis beyond what is articulated in publications and program descriptions, by observers and commentators, or in personal conversations with program leaders. Rather, I seek to articulate the experience of victim offender conferencing in ways that clarify the process, purpose, and effects of these practices for practitioners, and at the same time make this experience available as a resource for a theory of community-based moral education. The methodology is thus neither pure philosophy nor pure social science but an exercise in public philosophy as described by Robert Bellah, with philosophical analysis and reflection serving as the primary mode of research (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985). The literature review and interviews take the form of a structured dialogue, in which the researcher continually re-presents the insights and reflections of practitioners as fuel for further reflection and practical experimentation.

Family Group Conferencing

Various models of victim offender conferencing are in development, appearing in various forms as practitioners continue to experiment. Most commonly mentioned are victim offender reconciliation, family group conferencing, community conferencing, and circle sentencing.

Although the following description highlights the family group conferencing process, the results reported are shared among the other community-based conferencing models.

The Center for Restorative Justice and Mediation (1996) defines family group conferencing as "a meeting, convened by a trained coordinator, for the community of people who are most affected by a crime or harmful behavior." Bringing social pressure to bear on the offender through direct expressions of disapproval is central to this process. "an understanding of the relationship between crime and social control which argues for the shaming of criminal acts and the subsequent reintegration of deviant actors once suitable redress and apology have been made" (Braithwaite & Mugford, 1994, p. 140, emphasis in original). The family group conference combines elements of social regulation strategies--prevention, social support, and intensive response to offenses--with elements of conflict management strategies involving participatory decision-making and conflict resolution (Hyndman, Moore, & Thorsborne, 1994). Family group conferencing can be employed as an alternative to the court system, as a diversion after arraignment, or as a process to determine an alternative sentence after conviction (Pranis, 1996, October).

Family group conferencing has three phases: (a) to explore and express the hurt caused by the offense; (b) to engage in group problem-solving to arrive at an agreement to repair the harm done, and (c) to ritualize in some way the reintegration of the offender as a valued member of the community (Taylor & Kummery, 1996, September). Participants include the victim and the offender, members of their family, friends or other personal supporters, and persons who have been affected by the crime, directly or indirectly, usually involving twelve to fifteen people but including as many as forty or fifty at times. Each conference deals only with the particular offense for which the conference is convened, seeking to restore what was damaged by the offense to the extent possible, by negotiating a settlement to which all in the conference agree by consensus.

The process must ensure that all participants are respected, heard, and permitted to contribute to the solution, therefore, participation is voluntary for all. Trained facilitators, mediators, or coordinators bear the responsibility for holding the space in which injury and conflict can be converted into healing and community development. Participants are seated in a circle, with victims and offenders seated next to their supporters. Victims are encouraged to attend, providing an opportunity for them to express their feelings about the crime, to get their questions answered, to receive the offender's apology if offered, to help draft a restitution plan if appropriate, and to participate in the informal ceremony of reintegration at the close of the conference. Offenders are given the opportunity to become aware of the harm they have done, to accept responsibility for it, to affirm it as unacceptable and demonstrate remorse, to actively participate in determining how to restore those they have harmed, and to fulfill the terms of the agreement. Follow-up to the agreement should include the offender's efforts, plus informal support and public services of counseling, training, and employment assistance, accountability for the reintegration of offenders is broad based (McDonald, Moore, O'Connell, & Thorsborne, 1995).

The fact that one of the parties to the mediation has admitted injuring the other party differentiates this form of mediation from other mediated disputes, such as child custody and divorce, workplace disputes, or neighborhood conflicts in which fault is in question or shared. In the latter settings, "the parties are called 'disputants,' with an assumption being made that they both are contributing to the conflict and therefore need to compromise in order to reach a settlement" (Umbreit, 1996, October, p. 1). In Family Group Conferencing, guilt and innocence are not mediated and victims are not expected to compromise.

Results and Discussion

Outcomes of Conferencing

According to Hyndman, et al. (1994, p. 16), the conference has three goals and outcomes: (a) it mobilizes social resources in a collective response to harmful acts, including informal support networks and public service agencies; (b) it demonstrates collective concern for victims by confronting offenders with the effects of their crime and strengthening safeguards against future offending; and (c) it encourages empowerment of local communities in solving the problems that arise there, rather than dependence on the outside authority of the state courts and police. Taylor and Kummery (1996, September) summarize the expected outcomes as enhancing "feelings of connectedness, care, and social consciousness" and reducing "victimizing behavior" in the future (pp. 45-46).

Victim offender mediation outcomes have been studied more systematically than other forms of mediation, with fifteen studies conducted in the U. S., Canada, and England reporting positive results: high levels of victim and offender satisfaction, the importance of victim and offender meeting face to face, victim satisfaction with restitution and the offenders' apologies, a sense of fair treatment in the process, a perception that the process is more humane than the courts, and a reduction in fear of future crime (Nugent & Paddock, 1995; Umbreit, 1996, December 12; Umbreit & Coates, 1992). The results of family group conferencing are similarly positive. Gerard (1996, September) and O'Connell (1993) cite studies showing a 50% reduction in recidivism among offenders who participated in conferences in comparison with similar offenses handled by the courts, and a 90% completion rate of restitution agreements. Braithwaite and Mugford (1994) report a 50% to 75% decrease in the institutionalization of juvenile offenders since conferences were introduced in New Zealand. Offenders benefit by early intervention outside the court system

and by the opportunity to become involved in work valued by the community to repair the damage caused by crime. O'Connell (1993) reports victims' satisfaction with apologies from offenders and their active follow-up on behalf of offenders, "agreeing to supervise offenders as part of the restitution process...offering offenders part time and full-time work...offering to be a contact person for offenders" and generally feeling satisfied with having made a valuable contribution to their communities (pp. 6-7). Conferences characteristically have a tense atmosphere at the beginning, with frequent references to shame by offenders, but both victims and offenders shed their labels by the end of the conference, and the closing atmosphere is relaxed and positive.

Moral Learning in the Space between Places

In his review of moral development research, Turiel (n.d.) notes that "the scope of inquiry has been broadened to include and emphasize positive emotions, the intricacies of moral, social, and personal judgments as part of individuals' relations with the social world, and a variety of social interactions contributing to development, including with parents, peers, as well as schooling, and culture" (p. 11). He concludes by noting that "the thinking of individuals is flexible and takes into account different and varied aspects of the social world" as individuals engage in "reciprocal interactions...disputes, conflicts, negotiations, ambiguities, and uncertainties" (pp. 126-127). Rest (1984) distinguishes four psychological processes, or components, in an individual's moral behavior, which continually interact and influence each other: moral sensitivity, moral judgment, moral motivation, and ego strength. Narvaez (1991) emphasizes that these are not stable, internalized individual traits but aspects of every moral action in its concrete setting (p. 359). Thus, a person's perceptions and interpretations of a situation affect his or her judgment of what ought to be done, and conversely the person's ability to make judgments affects how he or she sees

the situation. "Behaving morally involves a multi-faceted complex of processes" always dynamically interacting with the environment (Rest, n.d., p. 364).

Bronfenbrenner (1979) presents the ecological environment in which human development proceeds as a system of relations, "a set of nested structures, each inside the next, like a set of Russian dolls" (p. 3). This environmental system operates at four different levels: (a) a microsystem, which is a "complex of interrelations within the immediate setting;" (b) a mesosystem of "linkages between settings...in which the developing person actually participates;" (c) an exosystem of "linkages between settings...that he may never enter but in which events occur that affect what happens in the person's immediate environment;" and (d) a macrosystem, the "overarching patterns of ideology and organization of the social institutions common to a particular culture or subculture" (pp. 7-8).

Bronfenbrenner's (1979) framework illuminates the significance of interactions in the family group conferencing process, which brings together the people most likely to be able to influence offenders and victims. The police officer or conference coordinator would represent the macrosystem of societal judgments and universal impersonal norms, enacted in law. Family and community members represent the macrosystem of communal traditions and norms. The presence and interaction of all four levels of the ecological environment dispel doubt regarding the nature of the offense as wrong (denunciation), the victim as injured (empathy), the offender as responsible (accountability) and yet welcomed as a member of the family, neighborhood, and society (reintegration). The offender is confronted with the full, multi-level consequences of the crime, and in the same process the crime can be understood and addressed at all levels. It is thus possible for participants to perceive elements of family dysfunction related to the crime in the exosystem and to recognize ambiguities or contradictions in the macrosystem. The offender arrested for driving while intoxicated, for example, may have committed this crime as part of a pattern of alcohol

abuse, within a surrounding culture or subculture with permissive attitudes toward driving after drinking alcoholic beverages. Interactions at each level affect the other levels even in a single event. From a juvenile offender's point of view, denunciation of vandalism in the microsystem of the conference is reinforced by the fact that the family members and community members voicing this disapproval represent important mesosystems in the offender's life. Their denunciations are further reinforced by the judgment of police, who represent the macrosystem of American law as enforced by the criminal justice system. This mutual reinforcement from different ecological levels can outweigh the influence of a juvenile subculture.

Movement from one ecological environment to another often has an effect on the individual's role. For example, a juvenile offender faces one set of social expectations in his or her role as child to a parent, and another set of expectations in the role as offender relating to other offenders in a shared subculture. Bronfenbrenner (1979) makes three observations regarding the power of roles that are especially pertinent to this study. First, "[r]oles have a magiclike power to alter how a person is treated, how she acts, what she does, and thereby even how she thinks or feels" (p. 6). The offender may be confident in his or her role in a peer group and may feel an agonizing uncertainty as a participant in a mediation conference. Second, role effectiveness in one setting "depends on role demands, stresses, and supports emanating from other settings" (p. 7). Peer expectations that the offender "be strong" and not repent of wrong-doing may inhibit the offender's empathy toward the victim in a mediation conference. Third, the expectations associated with a role in a microsystem "are defined at the level of the subculture or culture as a whole" (p. 86). Expectations experienced in the microsystem therefore have their roots in the macrosystem. a member of an entrenched delinquent subculture might resist cooperating in mediation or, to the contrary, might view restitution as an opportunity for public recognition and respect.

The social space of the mediation conference opens participants to new levels of competency in their established roles, as when parents articulate their values in a family group conference or neighbors commit to support a victim living in the same high-rise. The space also introduces participants to new roles, e.g., as problem solvers or victim advocates. New demands are made and new skills are introduced, within a social space supporting participants from above, below, and around, always governed by interpersonal respect. This access to all levels of the ecological environment makes the mediation conference a distinct microsystem with powerful possibilities for moral learning.

Equally important is the power of the conference to combine the power of two distinct sources of moral authority: the communal authority of intimate relations and the universal authority of impersonal norms. The mother-infant dyad and the immediate family provide the most immediate and intimate context for the infant's moral learning, strengthened by four instincts which reinforce family ties: the instincts of sex, pair-bonding, child-bonding, and general sociality (Naroll, 1983, p. 225). These instincts are "innate goals...a need [or] a yearning...stored presumably in systemic memory" (p. 130), to motivate and direct learning toward the solution of recurring problems. "[T]he moral order is a necessary outgrowth of the social network" which all people instinctively form (p. 131), so that the "innate human longing for society may, in fact, provide an innate mechanism for moral codes and moral world views" (p. 135). Family ties extend through marriage and other associations to relationships with extended family and non-familial peers and adults, all within the larger contexts of village, neighborhood, or tribe. "Social scientists seem to agree that most people get their moral world views from the social networks of their families, close friends, and work mates," who together belong to a "speech community" with "a common oral literature, a common set of myths, a common set of rites and ceremonies" (p. 135). This extended community forms a "normative reference group" (p. 136), or "moralnet," which is

the basic building block of "all human cultures" (p. 139). This affective and cognitive interdependence provides the basis for moral authority in communal traditions. Thus, moral values and obligations form around the substantive pursuits of individuals and the community embodied in established social practices and knowledges of cooperation and conflict resolution, fulfilling social role expectations and meeting individual and communal demands (MacIntyre, 1984). These values and obligations are brought into victim offender conferences by the participation of family members, friends, and community members.

Universal moral norms, unlike communal norms, are developed through rational reflection on the nature of humanity and moral obligation, independent of particular communal identities and world views. This is not to say that universal norms are independent of any social context. Annas (1989) recalls MacIntyre's observation that rational reflection occurs within "intellectual, rational traditions...embodied in various forms of social life--Aristotelianism in the life of the ancient polis, liberalism apparently in the free market and consumer society" (pp. 389-390). Since "a tradition of reasoning is essentially located in a particular historical setting, and depends on that setting for its defining features" (p. 394), "what counts as a good reason will depend on what tradition of debate one is standing within" (p. 392). Thus moral knowledge shares the historical conditionality of all knowledge (Kaveny, 1991, p. 26). Yet universal moral norms represent attempts to transcend this conditionality, to speak to the common human condition or at least to articulate a moral perspective capable of rising beyond the confines of a single cultural or ethnic viewpoint. It is in this sense that John Rawls (1985) articulates the universal moral norms of justice that operate within "the public culture of a democratic society." He is careful to note that this is a political--rather than comprehensive--moral theory, independent of any "fixed natural order, or...institutional hierarchy justified by religious or aristocratic values." The norms are derived from a conception of "society as a fair system of cooperation between free and equal persons" (p. 231). This

transcendence of particular worldviews enables institutions such as the criminal justice system to function in the "historical and social conditions of...pluralism" by achieving "a shared public basis for the justification of political and social institutions" (Rawls, 1987, p. 1).

Family group conferences combine the authority of communal and universal moral obligations in two important ways: by redefining criminal behavior as personal injury and by empowering the community in resolving the conflict crime creates.

Crime is commonly understood as a violation of law based on justice, so that offenders are morally accountable to the state as custodian of the moral authority residing in universal norms of justice. Hampton (1984) defines law as "orders backed by threats," in which the threat of pain is justified because the order rests on the authority of universal norms of justice according to which the act is morally wrong, or because the order rests on the authority of an over-lapping public consensus defining the act as publicly objectionable (p. 210). This is simply restating the classical notion of crime as "a public violation of Justice...as founded on the universal Laws of Reason" (Kant, 1887/1961, pp. 618-619). The offense thus generates a moral obligation to the state, due to the offender's failure to respect the victim's rights to act freely as recognized by law. The crime also generates a moral obligation on the part of the state to exercise justice in holding the offender accountable, to receive the offender back into free and equal participation in society after justice has been done, and to restore peace and security to society in general and to the victim in particular.

Making the fact of "personal injury" in crime part of its definition establishes moral accountability among persons in a social network, evoking the moral authority of communal traditions embedded in affective bonds of caring and mutual responsibility and exercised in shaming, repenting, and forgiving. The offense creates a new relationship or alters an existing relationship, within which the offender is directly accountable to the victim to repair harm done.

Victims are also bound in a sense to offenders: to bring charges of wrong-doing, to hold offenders accountable for their actions, and to receive their reparation and repentance. The injury also generates moral accountability on the part of the social networks of the victim and offender, to hold the offender accountable, to support the victim and offender, to resolve the conflict through emotional and reparative solutions, and to reintegrate the victim and offender into their respective networks as valued and respected participants.

Second, the conference process itself evokes the moral authority of both universal norms and communal traditions. The authority of universal norms is evoked in two ways: (a) because the mediation process is voluntary, all participants freely enter into a social contract with each other, to abide by the demands and limits of the process as these are established according to universal norms of free and equal participation, and (b) because the problem solving process is consensual, all participants freely enter into any agreements made, and hence are morally obligated to fulfill responsibilities to which they have agreed. The authority of communal traditions is evoked by the presence and direct participation of significant persons in the victim's and offender's social networks.

Moral authority is strengthened when its effectiveness in resolving social problems is demonstrated. Victim offender conferences strengthen the moral authority of communal traditions by overcoming the exclusion of the offender--and often the victim--from social networks affected by the crime: achieving the reintegration of offenders and victims through confronting wrongdoing, accepting repentance and restitution, supporting the healing of offenders and victims, and forgiving offenders. In short, communal moral authority is demonstrated by the acts of "re-trusting" offenders and "re-loving" victims and offenders hurt by crime. Those members of communities who embody this moral authority are given the opportunity to demonstrate their capacity to solve social problems, because the state provides a process through which communal moral authority can

be exercised without endangering the rights of offenders and victims. In this way, the moral authority of universal norms reinforces and empowers communal moral authority.

The same process strengthens the moral authority of universal norms of free and equal participation when government agencies and institutions act with respect toward all persons involved in the crime, repair the harm done by the crime, and ratify the authority and acts of those who resolve the crime. In short, impersonal universal moral authority is demonstrated by acts of reinstating offenders and restoring victims. The restorative process enables persons exercising communal moral authority to endorse the acts and hence the authority of agencies and institutions embodying universal norms. In this way, the moral authority of communal traditions reinforces the authority of universal norms.

Unraveling the complex strands of the moral environment is difficult for researchers, but the ability to navigate this environment is part of innate human sociality. The complexity actually makes moral learning easier, because humans are polyphasic learners.

> [Humans] learn through all sensory modalities simultaneously. The senses involved are not only those that sample external information, such as sight, hearing, and smell, but also those that sample internal states related to effort, tension, and emotions. The information sensed is stored in the brain in the form of a multisensory holograph, which is first indexed by and most accessible through its affective components, although other cognitive indexes are constructed. (Dobbert, 1985, Summer, p. 161).

"Multiple sources contribute to learning," according to Iran-Nejad and Marsh (1993), so that "many brain subsystems (sensory and otherwise) must contribute simultaneously to learning and remembering" (p. 254). They point out that the "nervous system works very poorly in piecemeal situations when information is only available to the learner in isolated bits and pieces" (p. 255). The notion of context-free knowledge that can then be applied anywhere is much overrated; the locus of the most powerful knowledgeability of people is knowledge-in-practice, in the complex settings of practice (Lave, 1988, p. 14). In the case of moral learning, this means a locus where

multiple levels of human relations intersect. As Wolcott (1987) observes, it is not merely that humans can learn more than one thing at a time; "they are incapable of learning only one thing at a time" (p. 39, emphasis in original).

It is significant that all who are involved in the process of victim offender conferencing participate in the authoritative acts that resolve the crime. Even offenders experience themselves as a source of moral authority in this way. Thus, the most powerful mechanisms of participatory and situated learning are brought into operation in this understanding of community-based moral education.

Conclusion

Seven characteristics of the space between places as arranged and enacted in family group conferences can be identified as important resources for a theory of community-based moral education.

First, conferences involve multiple levels of interaction and influence. Thus, participants' role effectiveness within the space is enhanced because they are explicitly expected to perform their role, e.g., as a parent or community member or concerned citizen. This role enhancement can also increase competency outside the space of the conference, because the role has been strengthened in the shared perceptions of family and community members. At the same time, the multi-level nature of the conference facilitates more powerful expressions and perceptions of moral authority, both universal and communal.

Second, the conference and the fulfillment of the restitution agreement are occasions of "situated learning," as the offender and victim and their significant relations cooperate and learn a new pattern of interaction that can therefore more easily be replicated in other settings (Lave, 1988; Lave and Wenger, 1991). This provides an easier path from learning to application than if

the victim or offender was being told by a counselor or judge what to do and then was required to apply that theoretical knowledge in a different setting with different people. A victim offender conference is an example of "practice theory...knowledge-in-practice, in the settings of practice" (Lave, 1988, p. 14). All five levels of learning are brought into motion: "(a) learning about, (b) understanding, (c) believing, (d) using, and (e) internalizing" (Dobbert, 1985, Summer, p. 162). It is a multi-sector learning experience, including "a primary social-affectional sector, which is fundamental to primate adaptation; an environment-object-technological sector, which is central to life maintenance; and a linguistic-symbolic sector, which is central to the specifically human lifeway" (p. 163).

Third, the structure of interaction that defines the space provides the security participants need to openly address difficult and conflictual issues constructively and nonviolently. Conflict is "an essential element in the social learning process" (Dobbert, 1985, Summer, p. 160) and critically relevant to experiencing the power of moral norms.

Fourth, the process of interaction created in the conference recurs over and over, as often as crime occurs in the community. Thus, it takes on a significance in the moral life of the community, as a trustworthy structure, a "free space...between private lives and large-scale institutions where ordinary citizens can act with dignity, independence, and vision" (Evans & Boyte, 1986, p. 17). Because of its stability, recurrence, and consistency, it can become a "snowball" in terms of moral learning, a "self-reinforcing process...[in which] the more of something an entity already has, the more it is likely to get still more" (Naroll, 1983, p. 26).

Fifth, victim offender conferences facilitate affective learning in two ways that can be replicated in other forms of community-based moral education. First, they strengthen the bonds of affiliation, mutual responsibility, mutual support, and respect among members of personal communities, or moralnets. They do this by publicly acknowledging the importance of these

bonds, by publicly holding members of these communities responsible for expressing their affiliation and effectively supporting each other, and by publicly depending upon these communities to do the work of overcoming the exclusion caused by crime. Second, these practices strengthen participants' sense of trust in the agencies and institutions of the state, thus reinforcing their confidence in the over-lapping public consensus on political justice and their dedication to the universal norms of free and equal participation upon which democratic institutions depend.

Sixth, conferences also facilitate cognitive learning in two ways: by providing a means through which personal communities and moralnets can express, stand behind, and demonstrate the importance and power-in-action of substantive values; and by providing a means through which participants are informed and shown the meaning of universal norms of free and equal participation.

Finally, victim offender conferences facilitate performative learning in two ways. First, they directly involve members of communities in processes of problem solving and nonviolent conflict resolution, in which they are guided in expressing strong negative and positive feelings and deeply held beliefs and values, without violating interpersonal respect--indeed, not only demonstrating respect but even deepening bonds of affiliation. Second, restorative practices involve citizens in cooperative and public productive activity, in which they experience their own power to contribute to the common good and experience themselves as valued members of a commonwealth of citizens.

Bibliography

Annas, J. (1989). MacIntyre on traditions. Philosophy and Public Affairs, 18, 388-404.

Bellah, R. N., Madsen, R., Sullivan, W. M., Swidler, A., Tipton, S. M. (1985). Habits of the heart: Individualism and commitment in American life. New York: Harper & Row.

Braithwaite, J., & Mugford, S. (1994). Conditions of successful reintegration ceremonies: Dealing with juvenile offenders. British Journal of Criminology, 34, 139-171.

Bronfenbrenner, U. (1979). The ecology of human development: Experiments by nature and design. Cambridge, MA: Harvard University Press.

Center for Restorative Justice and Mediation. (1996). What is the community's part in restorative justice? St. Paul, MN: Author, University of Minnesota, School of Social Work.

Dobbert, M. L. (1985, Summer). Play is not monkey business: A holistic biocultural perspective on the role of play in learning. Educational Horizons, pp. 158-163.

Evans, S. M., & Boyte, H. C. (1986). Free spaces: The sources of democratic change in America. New York: Harper and Row.

Gerard, G. (1996). Face-to-face with urban crime: Community-based restorative justice in Minneapolis. Unpublished manuscript.

Hampton, J. (1984). The moral education theory of punishment. Philosophy and Public Affairs, 13, 208-238.

Hyndman, M., Moore, D., & Thorsborne, M. (1994, August). Family and community conferencing in schools. Available: tedwachtel@aol.com

Iran-Nejad, A., & Marsh II, G. E. (1993). Discovering the future of education. Education, 114, 249-257.

Kant, I. (1961). The philosophy of law (W. Hastie, Trans.). In R. B. Brandt (Ed.), Value and obligation: Systematic readings in ethics (pp. 616-619). New York: Harcourt, Brace & World. (Original translation published in 1887)

Kaveny, M. C. (1991). Neutrality about the good life v. the common good: MacIntyre, the Supreme Court, and liberalism as a living tradition. Unpublished doctoral dissertation, Yale University.

Kimball, S. T., & Burnett, J. H. (1973). Perspectives on learning and culture. In S. T. Kimball, & J. H. Burnett (Eds.), Learning and culture (pp. vii-xxxiv). Seattle, WA: University of Washington Press.

Lave, J. (1988). Cognition in practice: Mind, mathematics, and culture in everyday life. Cambridge, MA: Cambridge University Press.

Lave, J., & Wenger, E. (1991). Situated learning: Legitimate peripheral participation. Cambridge, MA: Cambridge University Press.

MacIntyre, A. (1984). After Virtue: A study in moral theory (Second ed.). Notre Dame, IN: University of Notre Dame Press.

McDonald, J., Moore, D., O'Connell, T., & Thorsborne, M. (1995). REAL JUSTICE training manual: Coordinating family group conferences. Pipersville, PA: Piper's Press.

Naroll, R. (1983). The moral order: An introduction to the human situation. Beverley Hills/London/New Delhi: Sage Publications.

Narvaez, D. (1991). Counseling for morality: A look at the four-component model. Journal of Psychology and Christianity, 10, 358-365.

Nugent, W. R., & Paddock, J. B. (1995). The effect of victim-offender mediation on severity of reoffense. Mediation Quarterly, 12, 353-367.

O'Connell, T. (1993, August). An examination of the Wagga Wagga model of juvenile justice. Unpublished manuscript.

Pranis, K. (1996, October). A hometown approach to crime. State Government News, 14-16, 29.

Rawls, J. (1985). Justice as fairness: Political not metaphysical. Philosophy and Public Affairs, 14, 223-251.

Rawls, J. (1987). The idea of an overlapping consensus. Oxford Journal of Legal Studies, 7, 1-25.

Rest, J. R. (1984). The major components of morality. In W. Kurtines & J. Gewirtz (Eds.), Morality, moral behavior, and moral development (pp. 24-38). New York: John Wiley & Sons.

Rest, J. R. (n.d.). The four major component-processes of morality. Unpublished outline.

Taylor, B. R., & Kummery, G. (1996, September). Family group conferencing. Educational Leadership, 54(1), 44-46.

Turiel, E. (n.d.). The development of morality. Prepared for W. Damon (Ed.), Handbook of child psychology (fifth edition). Volume 3 in N. Eisenberg (Ed.), Social, emotional, and personality development. New York: Wiley.

Umbreit, M. S. (1996, December 12). Information on research findings related to uniquely restorative justice interventions: Victim offender mediation and family group conferencing. St. Paul, MN: Center for Restorative Justice & Mediation, School of Social Work.

Umbreit, M. S. (1996, October). Victim offender mediation: Restorative justice through dialogue. St. Paul, MN: Center for Restorative Justice & Mediation, School of Social Work.

Umbreit, M. S., & Coates, R. B. (1992). Victim offender mediation: An analysis of programs in four states of the U.S. Minnesota Citizens Council on Crime and Justice.

Wolcott, H. F. (1987). The anthropology of learning. In G. D. Spindler (Ed.), Education and cultural process (pp. 26-52). Prospect Heights, IL: Waveland Press.